

## REMARKS

Reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

At the outset, applicant's counsel wishes to express his appreciation for the thorough examination of this application by Examiner Edell.

The various rejections of the original claims dispensed by the Examiner under §§ 102 and/or 103, as being anticipated by or unpatentable over the patents to **Schick et al**, **Mariani et al**, and **Prager**, considered singly or collectively, have been carefully reviewed. In response, by this Amendment, claim 1, the sole independent claim in the case, has been amended to clearly avoid these rejections and the teachings in the prior art being relied upon.

More specifically, claim 1 has been amended to particularly point out the unique advantageous dual attachment strap arrangement illustrated, for example, in Figures 1, 2, 4 and 5 of the drawings. Thus, claim 1 now positively requires that the first upper cushion straps and the first lower cushion straps are adapted to affix the upper body cushion and the lower body cushion directly to the opposed rail members of a lounge chair, and further that the second upper cushion

straps and lower cushion straps are greater in longitudinal extent than said first upper cushion and said first lower cushion attachment straps such that the second upper and lower cushion attachment straps are adapted to further affix the upper body cushion and said lower body cushion to the lounge chair by being employed in pairs attachable to each other respectively underneath said lounge chair opposed rail members.

None of the references being relied upon shows or suggests such novel structure. **Shick et al** have merely show an inflatable cushion without attachment straps of any kind. **Mariani et al** disclose a chair, not a cushion adapted to be attached to a chair. Lastly, **Prager** fails to contemplate a cushion having any attachment straps to the underlying chair therein whatsoever. For this reason, claim 1, particularly as amended herein, now clearly patentably distinguishes over **Schick et al**, **Mariani et al**, and **Prager**, considered singly or together, and this independent claim now should be allowed forthwith.

Claims 3, 4, and 6-14 depend from and further restrict claim 1. Because these dependent claims inherit the patentably distinct features of claim 1, as amended, they also are believed allowed for at least the same reasons advanced above.

The rejections to claims 4 and 5 under § 112 have been overcome by suitable amendments herein.

Applicants' counsel affirms the provisional election of claims 1-11 wherein claims 12-14 are withdrawn from further consideration. Nonetheless, in view of the fact that claim 1 as amended herein, is believed to be both generic and allowed, the Examiner is respectfully requested to reconsider and withdraw the species restriction requirement of record.

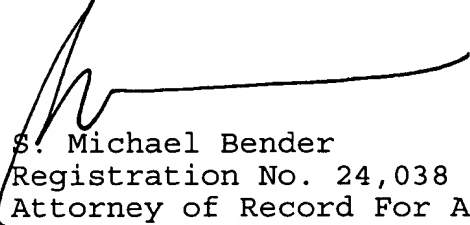
It is noted with due appreciation that the drawings have not been objected to by the Official Draftsperson under 37 CFR 1.84 or 1.152.

All grounds of objection and rejection having been overcome by this Amendment, the application now is believed to be in condition for immediate allowance containing allowed claims 1, 3, 4, and 6-14, and such favorable action earnestly is solicited.

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The Examiner is encouraged to telephone the undersigned to resolve any issues still present in the application and to expedite the prosecution of the application, should the Examiner believe such a telephone conference would be helpful.

Respectfully submitted,



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### **CERTIFICATE OF MAILING**

I hereby certify that this **Amendment Under 37 CFR § 1.111** is being deposited on December 27, 2002 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Signature:



Date Signed, December 27, 2002